IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.24 OF 2003

Nalini Bajrang Pilankar ...Petitioner

vs.

State of Maharashtra & Ors. ...Respondents

Mr.Sachin Punde for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 28,2005.

P.C.:

1. This Application is filed by the original complainant challenging the order of acquittal passed against the accused. The offence alleged against the accused is punishable under Sections 323,324,504 read with section 34 of I.P.C.

2. The reason given by the learned Trial Judge for acquitting the accused Nos.2 and 3 is that they are related to the Applicant. Their names were not stated in the complaint filed by the Applicant. The learned Judge held that the Applicant tried to improve upon her case by alleging in oral evidence that accused Nos.2 and 3 also assaulted her by stick. The learned Judge noted that there is a civil litigation pending in the Trial Court in which decree for partition has been passed. Another ground given by the learned Judge is that the Medical Officer was not examined.Even the spot panchnama was not proved by the Investigating Officer.

3. Considering the pendency of the civil dispute between the parties, the learned Judge has not accepted the oral testimony of the husband of the applicant. The so called independent witness Vilas has only stated that someone had assaulted the husband of the Applicant.

4. Considering the findings recorded by the learned Judge and considering the depositions of the witnesses the copies of which were placed on record, I find that there is no material to disturb the findings recorded by the learned Judge. There is no illegality in the order. It is not possible to re-appreciate the evidence in the revision. The learned trial Judge has examined all the relevant oral and documentary evidence on record.

5. Revision Application is rejected.

JUDGE